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## **VIA ECF**

The Honorable Margaret M. Garnett United States District Court Southern District of New York 40 Foley Square, Room 2102 New York, New York 10007

The Honorable Vernon S. Broderick United States District Court Southern District of New York 40 Foley Square, Room 415 New York, New York 10007 May 1, 2024

The Honorable Jesse M. Furman United States District Court Southern District of New York 40 Foley Square, Room 2202 New York, New York 10007

The Honorable Analisa N. Torres United States District Court Southern District of New York 40 Foley Square, Room 2210 New York, New York 10007

Re: Students Against Antisemitism, Inc., et al. v. Trustees of Columbia Univ., et al.,

No. 1:24-cv-01306-VSB (S.D.N.Y.) ("SAA") Forrest v. Trustees of Columbia Univ., et al. No. 1:24-cv-01034-JPO (S.D.N.Y.) ("Forrest")

John Doe v. Columbia,

No. 1:24-cv-02870-JMF (S.D.N.Y.) ("Doe")

C.S. v. The Trustees of Columbia University in the City of New York,

No. 1:24-cv-03232-ANT (S.D.N.Y.) ("C.S.")

Dear Judges Garnett, Broderick, Furman, and Torres:

We represent the plaintiffs in the *SAA* action and write in opposition to the April 29, 2024 letter ("Apr. 29 Letter") to Your Honors from defendant the Trustees of Columbia University in the City of New York ("Columbia").

Columbia requests that the *SAA*, *Forrest*, *Doe*, and *C.S.* actions be designated as related and that Judges Garnett and Broderick reconsider<sup>1</sup> their orders dated February 28, 2024 previously denying a similar request. Apr. 29 Letter Exs. 4, 5. Failing to comply with the proper procedure for moving for reconsideration, *see* L. Civ. R. 6.3, Columbia seeks "to relitigate an

<sup>&</sup>lt;sup>1</sup> This decision, to reject a request for relatedness, was "solely in the judge's discretion," *Kumaran v. Vision Fin. Markets, LLC*, 2022 WL 17540669, at \*5 n.3 (S.D.N.Y. Dec. 6, 2022) (citation omitted), and Columbia has pointed to no "controlling decisions or data that the court overlooked," or anything at all "that might reasonably be expected to alter the conclusion reached by the court," *Taylor v. City of New York*, 2024 WL 1574924, at \*1 (S.D.N.Y. Mar. 5, 2024) (citation omitted).

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already decided issue," *Taylor*, 2024 WL 1574924, at \*1 (citation omitted). However, "reconsideration of a previous order by the Court is an extraordinary remedy to be employed sparingly." *Id.* (citation omitted).

For the reasons stated in the *SAA* plaintiffs' opposition to Columbia's earlier request, *see* Apr. 29 Letter Ex. 2, and in the previous orders issued by Judges Garnett and Broderick, *see* Apr. 29 Letter Exs. 4, 5, Columbia's request to designate the four actions should likewise be denied. The four actions do not meet the standard for relatedness under Rule 13 of the Rules for the Division of Business Among District Judges. The actions do not "concern the same or substantially similar parties, property, transactions, or events," and there is no "substantial factual overlap" between them. S.D.N.Y. Div. Bus. R. 13(a)(1). In *Doe*, a single plaintiff alleges biases in misconduct proceedings against him. *C.S.* is a putative class action asserting a breach of contract claim on behalf of a purported class consisting of "all students," not civil rights claims under federal, state, and local laws arising from antisemitic discrimination.

Under these circumstances, there is no risk that the "parties could be subjected to conflicting orders" or that "absent a determination of relatedness there would be a substantial duplication of effort and expense, delay, or undue burden on the court, parties, or witnesses." *Id.* 

Accordingly, the SAA plaintiffs respectfully request that Columbia's request be denied.

Respectfully,

Marc E. Kasowitz